DEFENSE RESTS; CASE NEAR END

Attorneys for Nan Patterson Declare State Has Not Made Charge Good.

ARGUMENT BEGINS MONDAY

Girl Almost Collapsed During Testimony of Sister-Letter Ruled Out.

(By Associated Press.)
NEW YORK, April 28.—After a day of interesting developments, both the prosecution and the defense rested the case of Nan Patterson. The prosecution finished just before the adjournment of the court, and later Attorney O'Reilly, of counsel for Miss Patterson, notified the prosecution that his side would submit no defense, and would rest, on the conten-

defense, and would rest on the contention that the State had failed to make
out any case against the defendant.

This plan has been under consideration for some days, but was only decided upon at a conference to-day between the counsel for the defense and
Nan Patterson and her aged father. The
decision means, the speedy conclusion of
the young woman's third trial for the
sensational tragedy on West Broadway.
When the case is called Monday, to which
date the trial was adjourned to-day, Assistant District Attorney Rand will immediately begin the summing up of the
case of the State.

The Day in Court.

The Day in Court.

Besides this, the succession of events, which marked to day's proceedings, included the court's denial of a motion to dismiss the indictment; the testimony of the prisoner's sister, Mrs. J. Morgan Smith, in which she made some interesting statements, but stood on her right to refuse to answer questions on the ground that the answers might incriminate her; Mr. Rand's promise to quash the conspiracy indictments against Mrs. Smith if she would answer fits questions and the protest of the counsel of the defense to the court that Mr. Rand's merciless method of questioning was "badgering the witness," and the rejection again by the court of the much quoted letter of Mrs. Smith to Young bespeaking fear as to the consequence if Young did not see her sister.

The contention of the defense in moving to take the case from the jury and to dismiss the indictment was that the conspiracy accusation charge had been reactically abandoned; that the prosecu-The Day in Court.

to dismiss the indictment was that the conspiracy accusation charge had been practically abandoned; that the prosecution had falled to prove that J. Morgan Smith bought the revolver which caused Young's death; that the case was circumstantial, and that the testimony of Dr. O'Hanlon, Riggins and Phelps indicated suicide rather than murder. The prosecution replied that it had proved the fact of the crime; that the case should go to the jury on the character of the wound that could not have been self-inflicted; that it had proved Smith was lightle Pawnbroker Stern's shop the day the inflicted; that it had proved smith was in the Pawmbroker Stern's shop the day the revolver was bought, and that the prosecution had not expected the pawmbroker to make identifications. The court instructed the jury that in its decision, the rulling on law points, should not be to the priudice of the defendant.

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Testimony of Mrs. Smith.

Mrs. J. Morgan Smith identified a ring and a bracelet as her property pawned by her husband in Pawnbroker Stern's store. Mr. Rand's effort to make her admit that they were pledged June 3d, falled. Mr. Rand tried to bring out that she and her husband were in New York on June 3th last, when the prosecution was searching for them, but the witness declined to answer on the ground that it might incriminate or degrade her. Mr. Rand repeated his promise to quash the indictment if she would answer queetions. The witness said several times she would stick to her sister. Mrs. Smith denied that Leslie Coggins had told her that the best thing Nan could do, was to marry Matthew Trimble, of, Washington. Referring to the note sent by the witness to Young that unless she saw Nan, she could not answer for the consequences, the witness said that Miss Patterson's emotions at that time were caused by Coggins, who misrepresented Young's marriage intentions toward her. She said Nan refused to believe the story told by Coggins and was disappointed at the postponement of marriage to Young. The witness declared, however, that her sister had said nothing of her "tuture intentions," or, what she would do and was not responsible for the much quoted letter.

The court again to-day refused to admit in evidence this intercepted letter. Mr. Rand asked numerous questions tending to show the Smiths were fleeing from New York, but the witness declared, no his account, though admitting she had heard he was in one of the cities, which they left any citles on his account, though admitting she had heard he was in one of the cities, which they left suddenly.

THE FIRST

RICHMOND, VA.

Forty Years Old April 24, 1905.	
Capital \$ 600,000	
Surplus 400,000	00
Undivided profits 161,483	33
Reserved for discounts 50,000	00
Reserved for interest and	
taxes 23,169	48
\$1,234,652	81
Loans \$4,499,287	85
Deposits 4,124,946	96

Strong --- Accommodating --- Conservative

Borrowers Depositors and Invited

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S. Dabney Crenshally, G. A. Davenport. A. H. Christian, Jr., Jn Charles Davenport, J. M. Miller, Jr., Fritz Sitterding, T. M. Rutherfoord,

OFFICERS.

John B. Purcell, President. John M. Miller, Jr., Vice-President and Cashier. Charles R. Burnett, Assistant Cashier. J. C. Joplin, Assistant Cashier.

cells and the Tombs, weeping in each

cells and the Tomos, weeping other's arms.

A story to the effect that Miss Patterson and her sister quarreled in the Tombs last night over the testimony given by Mrs. Smith, was denied by her father.

SUMMON BOWEN

facts for some time lends color to this

facts for some time lends color to this view.

There is much business of an urgent nature demanding the attention of the President besides the Venezuelan situation, including trade relations with Germany, trouble resulting from the threat of the Kalser to renew the tariff war; diplomatic developments in the Morocconn situation; commercial interests in the far East, and protection of trade in Korea and Manchuria in the event of a decisive battle between the Russian and Japanese fleets; the course to be pursued in order to cover the unexpectedly large deficit in the treasury this fiscal year; the sessions of the Senate Committee on Interstate Commerce, which are indicative of an intention to give the country little or nothing in the way of rate legislation; diplomatic appointments to South American posts. These are but a few of the subjects which will engage the attention of President Roosevelt, and any one of them is of such importance as to justify even his curtailing a hunting trip

Abate the Nuisance.

Editor of The Times-Dispatch?

Sir We wish to commend the stand you are taking with regard to the Richmond streets and to express the hope that you will continue in well-doing until public opinion is so thoroughly aroused that something definite will be done to abate the dust nuisance and to keep the streets in at least a decent and healthful condition.

We quite agree with you that general

"future intentions," or what she would do and was not responsible for the much quoted letter.

The court again to-day refused to admit in evidence this intercepted letter. Mr. Rand asked numerous questions tending to show the Smiths were fleeing from Stern during their disappearance from New York, but the witness declined to answer that they left any cities on his account, though admitting she had heard he was in one of the cities, which they left suddenly.

Almost Prostrated.

The ordeal in the court-room to-day proved almost too much for Nan Patterson. The resolute manner in which Mrs. Smith refused to answer questions put to ther by the prosecuting attorney and her declaration that she "would stick to her sister" affected the prisoner deeply and she was near a breakdown when the luncheon adjournment was announced.

Mrs. Smith appeared to be unstrung as a result of her experience as well and the two women spent, the recess in their

GRACE STREET.

Dust.

Editor of The Times-Dispatch:

Sir.—Is there any hope that we can turn the attention of our all wise city fathers from annexation, education, altercation, appropriation, reiteration and expectoration, to a momentary consideration of the condition of our streets? Are they not like the rulers in Israel, paying their tithes of mint and anise and cummin, yet neglecting the weightler matters of the law-cleanliness and health?

Must that portion of your community, who would have clean homes, decent streets and healthy children, still patiently wait, though they be condemned, like the serpent of old, to eat dust all the days of their life?

April 26, 1905.

Raleigh's New Mayor.

of the four teams is the stronger. The linemanchester—Jennines, Edwards, Anthony, AAnthony, Hogan, Swift, Houchins, Elliett,
Trexier or Bimore.
Richmond—Crawford, Bauer, Ford, Shaughnessy, Waters, Sent, Stout, Knightly, Hookar
or Carls.
Brownles—McEvoy, Hicks, Wells, Eacho,
Cheatham, Sharp, Hulcher, McLeavy, Winaton.
Barton Heights—Rose, Trevillian, Phillips,
Mills, Bache, Taylor, Tritton, Doone, Brocks.

ARREST SMITH IN

for the officer to go on to Albany. Mayor Maurice, of Manchester, signed the necessary papers late yesterday eve-ning, using in place of an official seal a certificate from the clerk of the Corpo-ration Court, bearing the seal of the

a certificate from the cierk of the Corporation Court, bearing the seal of the
court.

In reply to a telegram sent to New
York by The Times-Dispatch last night,
Dr. Wisner R. Townsend, brother of Mrs.
Smith, stated that his mother, Mrs.
Charles Townsend, had become entirely
unnerved by the tragic news about her
daughter, and that she was physically
unable to travel to Manchester. It was
impossible to learn last night whether or
not Dr. Wisner R. Townsend and Otto
Townsend, brothers of Mrs. Smith, would
come to Manchester. Nothing has been
heard from the family of Shepherd Knapp
Smith, now in the famous Tombs prison.
Mrs. Estelle Townsend Smith, however,
is not without friends, for on yesterday
Mr. Charles Hall Davis, a well known attorney of Petersburg, visited her and
practically took charge of her case.
Mr. Davis, a brother of Hon. Richard B.
Davis, of Petersburg, is a first cousin
of Mrs. Charles Townsend, mother of
Mrs. Smith, and is, therefore, a second
cousin of the accused.

Mr. Davis instructed Mrs. Smith to refrain from talking to any one, and his
instructions have been carried out to the
letter.

When seen on yesterday afternoon Mr.

instructions have been carried out to the letter.

When seen on vesterday afternoon Mr. Davis refused to discuss the case. He stated that he had not received any communication from Mrs. Smith's relatives in New York; he was present, he said, by his own volition. Mr. Davis became cognizent of Mrs. Smith's arrest from the story of her relatives, published in The Times-Dispatch of yesterday.

May Exhume Rody.

May Exhume Body.

story of her relatives, published in 216s Times-Dispatch of yesterday.

May Exhume Body.

What promises to be a new development in the case is the fact that Mr. H. M. Smith, of counsel for Mrs. Estelle Townsend Smith, has expressed a desire to have the body of little Ralph Smith exhumed, so that it may be examined by doctors acting for the defense.

This move on the part of counsel goes to show that the case will be vigorously contested, and that the defense is taking advantage of its every opportunity.

Yesterday morning when Mayor Maurices took his seat upon the bench for the preliminary trial of Mrs. Estelle Townsend Smith, charged with the murder of her son, not only was the court room crowded to suffocation, but the doorways, windows and alses were packed with eager, excited humanity, curious to catch a glimpse of the woman charged with murder. Sergeant Saunders' drove up to the courthouse with Mrs. Smith in an open trap, and almost before the crowd realized that she was the "woman in the case," Policeman Moore had helped her from the vehicle and quickly guided her into the private office of the chief of police. Here she remained during the proceedings, for she was not required to appear before His Honor. The warrant was read to her by Sergeant Wright. She listened attentively without any evidence of nervounness or alarm. When the case was called Mr. H. M. Smith appeared, and, addressing the court, asked for a continuance until Monday morning. He stated that Mrs. Smith's relatives were absent, as was her husband, and that it was only fair to the prisoner that she should have a chance of advising with them before the preliminary examination was held. Commonwealth's Attorney Page said that he had no objection to a continuance, and Mayor Maurice set the trial for next Monday morning at 9 o'clock. No motion for hall was made.

Visited Deserted Home.

Mr. H. M. Smith requested permission

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Mr. H. M. Smith requested permission for his client to visit her house with Sergeant Saunders, so that she might have an opportunity of securing the linsurance policy of Ralph Smith, and of procuring clothing for use at the fall.

A close carriage was driven up to the court room door, and while hundreds of inquisitive men and women pressed around it. Mrs. Smith was led out and mounted into the vehicle.

The sheat visit to her neat little home was a painful one, for on passing the front door and entering the room in which her son had passed away, she burst into a flood of tears and sobbed hysterically. "I would only bring my poor boy, back again."

when an officer told her that the peo-ple of Manchester were greatly wrought up, she said, holding up her right hand: "Before God in heaven, I am innocent of the intent of harming my poor child." After having collected her clothing and bedding, she was driven back to the city

After having consistent and sarnest advocate of effective temperance measures, and from its organisation has been a member of the Executive Committee of the Anti-Salion League; is a Democrat of "the straitest sect," a fee to vice and graft, a business man of excellent judgment, correct in his dealings and upright a public and private life. His election shows how Raleigh stands.

An Unusual Sentence.

An old negro who tried to hang himself some time ago was tried at Asheville Monday and sentenced by Judge Neal to two years on the chain-gang. This is rather an unusual case in North Carolina, the law against atempting self-destruction being seldom enforced.—Charlotto Observer.

TWIN CITY GAME.

Two Leaders Get Together Today for First Time This Season.

The schedule for the Twin City games this afternoon, places the Brownless and Barton lifegible loggether for the early game, and season and the consultance of the plant of the vice of the plant of the vice of the condition with the property of the carly games this afternoon, places the Brownless and Barton lifegible loggether for the early game, and the plant of the vice of of the v

Consulted Physician.

She was asked if she had ever consulted a physician about the boy.
She replied that she had done so at Columbia, Va, but that his condition had not improved.

When asked if she had whipped the younger child, Carroll, she replied that she had corrected him, but not severely. The fact that the woman and her hushand both beat Raiph cruelly and treated his brother Carroll kindly, goes to prove the story that there were reasons for the correction of the older boy.

There are reasons for believing that Mrs. Smith's sisten and brother reached Richmond last night. A woman called up the Manchester Police Station about eleven o'clock and asked permission to visit Mrs. Smith at the fail. When asked to give her name and to state why sie desired to see Mrs. Smith, she declined to answer.

The lady was informed that she could call at the jail at nine o'clock this morning.

Hocker—Dillard.

Styles of the Times Dispatch.)

Hocker former member of the Constitutional Convention, from Patrick constitution, from Patrick convention, from Patrick Convention,

Magnificently Equipped

to your every requisite in wardrobery for spring, and every section beaming with unmatchable values and offerings, this Great Outfitting Establishment attests most forcibly its pre-eminence and unquestionable leadership. You may be sure to appear at your best, in the best of fashion, and you can be absolutely certain that your duties to practical economy have been judiciously performed if you choose your outfit here. The High Quality Standard of Burk Apparel assures the former, whilst the "Maker-to-Wearer" proposition is a positive guarantee of the latter .

Burk-Tailored Suits at \$10 \$12.50 \$15

That Cannot Be Matched Elsewhere.

Special Attractions in the Boys' Department

NAVY BLUE SERGE SUITS, in dou- | immense variety; actual ble-breasted style, absolutely fadeless color and thoroughly pure Wool Serge; cannot be equalled under \$5.00; special to-day

Boys' Dependable Suits, pure wool fabrics, in mixtures and Dark
Blue Cheviot, well made
and trimmed; actual \$2.50 values, only

Boys' and Children's High Class Suits, swell double-breasted and Norfolk styles, at \$7.50, \$6.00 and.....

\$5.00 values, special

Boys' and Children's Finest 'Apparel, an almost endless display of exclusive novelties from the very best makes of Children's Clothing, from the tiniest little tot to the most robust and over-sized boy, all can be fitted here; Suits 33.U

1003 East Burk & Co., Main.

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Carnegie's Gifts Amount . to More Than \$139,000,000.

Amounts Given in 1905:	-40 000 000
	\$10,000,000
Annuities to Aged Teachers. To University of Virginia.	500,000
To University of Virginia	10,000
To University of Maine	125,000
To Rensselaer Polytechnic Institute, 1709, 18	125,000
To Rensselaer Polytechnic Institute, 107 To Oberlin College To Oberlin College students, who lost money because of Mrs. Chad-	
To Oberlin College students, who lost money because of lines.	15,000
To Oberlin College students, who lost money books. Wick's dealings with Oberlin Bank	150,000
Wick's dealings with Oberlin Bank. To Syracuse University.	385,000
To Syracuse University	250,000
salacellaneous Benefactions	MERCHANISM SHOW
Total	\$11,560,000
Total 1905:	THE REAL PROPERTY.
Total Amounts Given Previous to 1905:	928.000.000
	6 000 000
Libraries in the United States	2,000,000
Libraries in England	1,500,000
Libraries in Scotland	5,000,000
Libraries in Canada	
Herces' Families Relief Fund. Carnegle Institute, Pittsburg.	7,852,000
Carnedie Institute, Pittsburg	4,000,000
	10,000,000
Carpenie National University	1,500,000
Alliad Engineers Society	1,500,000
	15,000,000
	17,000,000
Scotch Universities Endowment To Small Colleges Miscellaneous Benefactions in United States	19,000,000
To Small College in United States	10,000,000
Miscellaneous Benefactions in Europe	ESPERA POLICIO PARTICIONE SE
Miscellaneous Benefactions in United States	129 352 000
	44 860 000
Miscellaneous Benefactions in Editors Total	11,000,000
Total in 1905	100 012 000
Grand total,\$	139,912,000
Grand total	STATE OF THE PARTY
	MATERIAL PROPERTY AND PERSONS IN COLUMN 2

PROGRAMME. OF SHOOT ISSUED

Deep Run Hunt Club Arranges for the Present Season. The Deep Run Club has issued the

appended programme for the shooting season of 1905. All the gunmen of the neighborhood are invited to the preliminary shoot to-

day: Shoots-Preliminary shoot, Saturday,

April 20th.

Regular shoots every Saturday from

New to September, inclusively, com-

Special day—The last Saturday in each month being prize day, the club will furnish a lunch on the shooting lawn.

Messrs, J. W. Young, W. P. Wood, and B. Bridgforth compose the Gun Committee.

GREATEST COTTON CROP EVER GROWN

(By Associated Press.) (By Associated Press.)

WASHINGTON, D. C., April 23.—The
Census Bureau has issued the final report on the cotton crop grown in 1904,
showing a total production or 15,584,557
bales or 16 per cent. less than the
exceeds that of 1903 by 3,491,386 bales or
35 per cent. The largest crop produced
in the United States prior to 1904, was
that of 1898, which amounted to 11,235,000
bales or 16 per cent. less than the crop
crop of 1904. The average crop for the
five year pecifod ending with 1903 was
9,802,047 bales, or 25 per cent. less than
the crop of 1904.

Among the cotton producing States,
Texas has held the first rank for twenty
years.

GETS BACK FLAG TAKEN BY THE CONFEDERATES

(Special to The Times-Dispatch.)
BOSTON, MASS., Apil 28.—There was returned to Governor Douglas to-day by the War Department a United States flacarried by the Fifty-seventh Massachus etts Infantry in the Civil War and captured at "The Crater" by Lieutenant Sullen Wilson, of Company C, Sixty-first Virginia Infantry, on July 30, 1884. It was some time before the history of the flacould be traced, but it was finally aggest. THE CHOPPING KNIFE.

Democratic Office-Holders Mus-

Make Room for Negroes.

(Special to The Times-Dispatch.)
NEWPORT NEWS, VA., April 28.—Thexamining of the ten Democratic employes of the local custom house was concluded to-day, and it is suposed that the result will be given out as soon as Theodore DeLand, the Treasury Departmen representative, returns to Washington an makes his report.

than five consecutive shots will be dropped from this competition.

Grand total prize—Targots broken only in the regular shoot each Saturday to be counted.

Bank Robber Employs Counsel

Bank Robber Employs Counsel.

(Special to The Times-Dispatch.)

WILLIAMSBURG, VA., April 28.—Frisco Slim, the notorious bank robber, who is under indictment for robbing the Peninsula Bank on the night of May 23 1900, has rotained Mr. R. T. Armistead accunsel. Prisco Slim is now confined in the Newport News jall, awaiting tria at the next term of the Circuit Court of James City county, Mr. Armistead went to Newport News this evening to confei with his client.

GROWS WEAKER.

Ex-Lieutenant Governor Kent Approaching His End.

Approaching IIIs E.IId.

(Special to the Times-Dispatch.)

WYTHEVILLE, VA.. April 23.—Ex.

Lieutenant-Governor Kent, whose illness
was reported yesterday, grows weaker
and his physician has but litle hope
his recovery. While he has no distinctive
disease, the vital forces seem to hav
from down and do not respond to irxit.

His children, who have been summoned
have all arrived.

Seats for the Festival. Those who desire to be sure of good seats for the spring music festival of the Wednesday Club should got of the office of the club. No. 87. East Main Street, today. The festival begins Monday night with the greatest programme of high-class music ever offered Richmonders, and seats will be in heavy demand Monday. There are plenty of good balcony and gallery seats, and much time will be sayed if they are ordered to-day instead of at the last moment.

Emporia Was Winner. (Special to The Times-Dispatch.)
EMPORIA, April 28—in your paper of
the Eath instant you are that the
Franklin Hase-Ball team defeated the
local team by a score of 7 to 1. This
was on error; the local team defeated
the Franklin team by a score of 7 to 1.1.

in a Pinch use ALLEN'S FOOT EASE, A powder for tired, aching, awollen feet All druggists, 26c. Don't accept any sub-stitute. - idv.

MAKES LIFE'S WALK EASY

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For Riding or Walking

To "put the best foot forward" means either foot if they're both in Crossett shoes. No shoes are

If your dealer does not keep them, we will send any style by mail or express on receipt of price with 25c, additional to pay forwarding charges.

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better. Few are so good.